

ALBUQUERQUE POLICE DEPARTMENT

RE: CASE #13-020344

INTERVIEW OF: OFC. FRANCISCO ARAGON

DATE TAKEN: MARCH 6, 2013

TIME: 4:32 P.M.

BY: DET. JASON MORALES

ALSO PRESENT: DET. JEFF STONE
MR. FRED MOWRER
DET. ADAM GAITAN

1 DET. MORALES: Uh-huh. Okay. Francisco, just
2 from the beginning, when you were notified of the
3 call, how you became involved, and then just all the
4 details that you can think of all the way to the very
5 end. We'll do our best not interrupt you, because,
6 like I said, we'll end up going back and asking you
7 some specific questions.

8 FRANCISCO ARAGON: Okay. Well, I guess it was
9 about ten minutes till 7:00. I had just gotten home
10 from my regular shift. I worked a ten-hour shift
11 that day taking calls for service in the field. I
12 had just gotten home. I had changed into some jeans,
13 tennis shoes, a T-shirt. And I had gone to my
14 girlfriend's house.

15 We were talking about heading out and grabbing
16 a bite to eat, going out to dinner. And then right
17 before we headed out, at 7:06, I got a page on my
18 cell phone from my sergeant, which indicated that
19 there was a SWAT activation.

20 Within a couple minutes, I had grabbed my car
21 keys, got in my police unit and started en route to
22 the call. The only information I had at that time
23 was that it was going to be an area search for an
24 armed -- for an armed suspect. That's the
25 information that I got on my cell phone -- on the

1 cell phone -- it came out as a text off the iPhone,
2 and that's the information that I had.

3 While I was en route, I was thinking that when
4 I arrived I would be assigned to a K-9 search team
5 and we would do an area search. Continuing while I
6 was en route, Air 1 advised that they had a subject
7 located. And that's when I was advised by my
8 sergeant to go ahead and deploy with my high-ground
9 equipment when I arrived on scene. So at this time
10 in my head I was thinking, okay, I need to grab all
11 my high-ground equipment and deploy as quickly as
12 possible.

13 MR. MOWRER: What does that consist of?

14 FRANCISCO ARAGON: The high-ground equipment
15 consists of my .308-caliber bolt-action rifle. It's
16 stowed away in a pack where I keep other equipment,
17 such as my vision -- binoculars, some cold weather
18 gear sometimes during the cold months, some food, you
19 know, snacks for long call-outs and stuff like that,
20 just, you know, essential things that I might need
21 during a SWAT activation while I'm deployed in a
22 high-ground capacity.

23 I was also advised to approach the area from
24 Wyoming -- I was told to go to Wyoming and then west
25 on Menaul to park it in the Sizzler parking lot,

1 the sunglasses.

2 He -- as the entry team continued to go west on
3 Menaul, he tucked back in the bushes, but when he
4 moved back in, I still had visual of just the top of
5 his head. So I could still see where he -- where he
6 was positioned, but I couldn't see his -- I couldn't
7 see his -- I couldn't see his face anymore. I could
8 just see the top of his head.

9 The BearCat continued to be move west on
10 Menaul, and once they got past, there was a big
11 building that they were sort of behind. Once they
12 broke the corner of that building, they started to
13 put light in that general area. Once the lights came
14 on from the BearCat, I believe that suspect knew that
15 he was located, and at that time, he stood up
16 immediately and started moving out from behind -- out
17 of the bush and from behind the front of the vehicle
18 that he had been hiding behind the whole time.

19 As he was -- as he was moving out, I identified
20 a handgun in his right hand. It was very clear to me
21 that it was a handgun, and at that time I fired one
22 round out of my .308-caliber rifle. He was moving --
23 I mean, like I said, he popped up and was moving very
24 quickly out of the area. It was -- it appeared to be
25 like one fluid motion. He hopped up, I identified

1 was extremely busy. I was also in fear for the
2 people inside of the Chili's. In my mind, if I let
3 this subject get out of that perimeter or close
4 distance on my SWAT team members or get out of the
5 perimeter and make it into one of the public
6 restaurants or the large hotel that was in the -- in
7 the area, I feared that -- for the lives of those
8 people. I don't believe I was in any immediate
9 danger, but I feared for the lives of the people that
10 were in that area. I do believe that he could have
11 caused them great bodily harm or death.

12 After I fired my second round, I chambered a
13 third round. I ran to the north end of the building
14 that I was on. I couldn't find him anywhere in
15 there, but as I was running to the north end of the
16 building, I heard a flashbang go off and then I heard
17 more gunfire. I didn't know where the gunfire was
18 coming from. I don't remember how many rounds were
19 fired. But I remember the flashbang going off and
20 then more gunfire.

21 When I made it to the north end of the roof, I
22 couldn't locate anything, so I started walking back
23 south and I looked over the edge of the building and
24 I observed the male subject laying on the ground.
25 His head was facing south, his feet were facing

1 DET. MORALES: -- essentially the front of
2 Chili's, the west side of Chili's --

3 FRANCISCO ARAGON: The west side of Chili's,
4 yeah, where --

5 DET. MORALES: -- where the front doors are?

6 FRANCISCO ARAGON: -- the front doors are.

7 DET. MORALES: And then that's when you met
8 Officer Tosta and he guided you'd in and got you to
9 the rooftop?

10 FRANCISCO ARAGON: That's correct.

11 DET. MORALES: So when you walked into the
12 Chili's, was it business as usual or was there
13 something different going on inside of Chili's?

14 FRANCISCO ARAGON: There had already been police
15 presence there, and the doors were already locked.

16 Actually, when I met Officer Tosta outside, he
17 knocked on the door, because they were already
18 locked. They were -- I believe they were told to
19 be -- to lock down. So the doors were already
20 locked. One of the employees unlocked the door for
21 us and that's when we went in.

22 DET. MORALES: Okay.

23 FRANCISCO ARAGON: It was very crowded inside,
24 and there was already police presence there, so when
25 I walked through, you know, a lot of stares and

1 probably wondering what was going on.

2 DET. MORALES: Okay. So based on the fact that
3 the doors were locked, what would make you think was
4 going on inside as far as why would the doors be
5 locked but there be customers inside?

6 FRANCISCO ARAGON: Oh, well, that looks like a
7 lockdown to me, I believe. It looks to me like they
8 were told to lock their doors and keep everyone
9 inside, probably for their safety.

10 DET. MORALES: What do you think would happen if
11 people were just going in and out of Chili's?

12 FRANCISCO ARAGON: Well, there was an armed
13 subject outside that was hiding from police. They
14 were probably told to stay inside the Chili's for
15 their safety.

16 DET. MORALES: So you make your way through
17 there, they take you down a long hallway, you get to
18 the roof access, the hatch is already open, you make
19 your way to the top and then you go all the way to
20 the far southeast corner?

21 FRANCISCO ARAGON: Correct.

22 DET. MORALES: Okay. So from the time that you
23 arrived at the scene to the time you actually get
24 into position, or at least that position, how much
25 time do you think had passed?

1 on him. And I also know that there's other SWAT
2 officers over here. At that moment, I feel if he
3 moves in any direction, he's going to put the other
4 officers in danger and could possibly harm them or
5 kill them.

6 DET. MORALES: Okay. And then --

7 FRANCISCO ARAGON: So that's my feeling at that
8 moment.

9 DET. MORALES: Okay. So you're talking about the
10 entry team and then the other officers. We're
11 talking about two separate teams?

12 FRANCISCO ARAGON: Yes.

13 DET. MORALES: The entry team is with the
14 BearCat?

15 FRANCISCO ARAGON: Correct.

16 DET. MORALES: And then the other guys are
17 doing -- what was their --

18 FRANCISCO ARAGON: I'm not sure what they're
19 doing. They're -- I know they're containment.

20 DET. MORALES: Okay. That's all right.

21 FRANCISCO ARAGON: But, yeah, I don't know
22 what -- I didn't have a visual on them, but I knew
23 they were containment in that area.

24 DET. MORALES: Okay. Great. So then he starts
25 to make the run, and then that's the first time you

1 FRANCISCO ARAGON: Oh, it's (inaudible).

2 MR. MOWRER: (Inaudible).

3 DET. GAITAN: Is there anything else you can
4 think of?

5 FRANCISCO ARAGON: Nope.

6 DET. MORALES: Is there anything else you can
7 think of that either I didn't ask you or you didn't
8 tell me that might be important, anything at all?

9 FRANCISCO ARAGON: I don't think so.

10 DET. MORALES: I did think of one more thing.

11 When he finally appeared and you saw him to the
12 time that you fired your two shots, did you hear
13 anybody say anything?

14 FRANCISCO ARAGON: No.

15 DET. MORALES: No. Okay. Did you give any
16 commands --

17 FRANCISCO ARAGON: No.

18 DET. MORALES: -- from where you were at? Okay.

19 Anything else?

20 Francisco, (inaudible). Okay. All right.
21 We'll go ahead and conclude the interview. The time
22 is 1750.

23 (Interview concluded.)

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25